

AMENDED IN ASSEMBLY JUNE 19, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE MARCH 27, 2014

AMENDED IN SENATE MARCH 4, 2014

SENATE BILL

No. 911

Introduced by Senator Block

(Coauthors: Senators Correa and Leno)

(Coauthors: Assembly Members Ammiano, Brown, Chávez, Skinner, Ting, Wieckowski, and Yamada)

January 23, 2014

An act to amend, repeal, and add Sections ~~1569.23~~, *1569.616*, 1569.62, ~~1569.625~~, ~~1569.626~~, and 1569.69 of, and to add Sections 1569.371, 1569.39, and 1569.696 to, the Health and Safety Code, relating to residential care facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

SB 911, as amended, Block. Residential care facilities for the elderly.

(1) Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. A person who violates the act is guilty of a misdemeanor and subject to civil penalty and suspension or revocation of license.

Existing law requires an ~~applicant for a license to complete, at a minimum, a 40-hour certification program approved by the department that includes instruction in a uniform code of knowledge, and to pass a written test.~~ *administrator of a residential care facility for the elderly to successfully complete a department-approved certification program prior to employment that requires, among other things, a minimum of*

40 hours of classroom instruction on a uniform core of knowledge, which includes resident admission, retention, and assessment procedures.

This bill would change the minimum hours of classroom instruction to 100 hours, ~~of which 80 hours are classroom instruction, including 60 hours of in-person classroom instruction,~~ and would add additional topics to the uniform ~~code~~ core of knowledge, including, but not limited to, the adverse effects of psychotropic drugs for use in controlling the behavior of persons with dementia. ~~The bill would also require the department to annually review the test and update it as necessary to reflect changes in the law and regulations.~~

This bill would require that no licensee, or officer or employee of the licensee, shall discriminate or retaliate against any person receiving the services of the licensee's residential care facility for the elderly, or against any employee of the licensee's facility, on the basis, or for the reason that, the person, employee, or any other person dialed or called 911.

This bill would require a residential care facility for the elderly that accepts or retains residents with prohibited health conditions, as defined by the department, ~~to ensure that residents receive~~ *assist residents with accessing* home health or hospice services ~~sufficient in scope and hours~~ by appropriately skilled professionals, acting within their scope of practice, to ensure that residents receive medical care as prescribed by the resident's physician and contained in the resident's service plan. This bill would define an "appropriately skilled professional" as an individual who has training and is licensed to perform the necessary medical procedures prescribed by a physician, which includes, but is not limited to, a registered nurse, licensed vocational nurse, physical therapist, occupational therapist, or respiratory therapist. *This bill would provide that an appropriately skilled professional is not required if a resident is providing self-care, as defined by the department, and there is documentation in the resident's service plan that the resident is capable of providing self-care.*

(2) Existing law requires the Director of Social Services to ensure that licensees, administrators, and staffs of residential care facilities for the elderly have appropriate training to provide the care and services for which a license or certificate is issued. The department is required to develop a uniform ~~code~~ core of knowledge for the continuing education of administrators of residential care facilities for the elderly.

This bill would also require the department to develop a uniform ~~code~~ *core* of knowledge jointly with the California Department of Aging for the initial certification of administrators, and add additional topics to the uniform ~~code~~ *core* of knowledge, including, but not limited to, applicable laws and regulations and residents' rights.

~~(3) Existing law requires the department to adopt regulations to require staff members of residential care facilities for the elderly who assist residents with personal activities of daily living to receive 10 hours of training within the first 4 weeks of employment, and 4 hours of training annually thereafter on topics, including, but not limited to, policies and procedures regarding medications.~~

~~This bill would increase that training to 40 hours of training within the first 4 weeks of employment, 20 hours of training annually thereafter, and would also require that at least 24 hours of training be completed prior to providing direct care to residents. This bill would exempt certified nurse assistants with valid certification from those requirements, provided that certified nurse assistants receive 8 hours of training, prior to providing direct care to residents, on resident characteristics, plans of care, resident records, and facility practices and procedures.~~

~~(4) Existing law requires all direct care staff of a residential care facility for the elderly, which advertises or promotes special care, programming, or environment for persons with dementia, receive 6 hours of resident care orientation within the first 4 weeks of employment and 8 hours of in-service training per year.~~

~~This bill would increase that training to 15 hours of resident care orientation, prior to providing direct care to residents, and 12 hours of in-service training per year on the subject of providing care and supervision to residents with dementia.~~

~~(5)~~

(3) Existing law requires that employees who assist residents with the self-administration of medications at a licensed residential care facility for the elderly, which provides care for 16 or more persons, complete 16 hours of initial training, consisting of 8 hours of hands-on shadowing training and 8 hours of other training or instruction, to be completed within the first 2 weeks of employment. If that facility provides care for 15 or fewer persons, employees are required to complete 6 hours of initial training, consisting of 2 hours of hands-on shadowing training and 4 hours of other training or instruction, to be completed within the first 2 weeks of employment.

This bill would require employees at a licensed residential care facility for the elderly that provides care for 16 or more persons, to complete ~~32~~ 24 hours of initial training, consisting of ~~12~~ 16 hours of hands-on shadowing training and ~~20~~ 8 hours of other training or instruction, to be completed within the first 4 weeks of employment. For facilities providing care for 15 or fewer persons, this bill would increase those training requirements to ~~16~~ 10 hours of initial training, consisting of ~~8~~ 6 hours of hands-on shadowing training, and ~~8~~ 4 hours of other training, *to be completed within the first 2 weeks of employment.*

This bill would require all direct care staff of residential care facilities for the elderly that serve residents with postural supports, ~~or~~ restricted health conditions or health services, or who receive hospice care services, ~~as described in specified regulations, in addition to other training requirements,~~ to receive ~~15, in addition to other training requirements,~~ 4 hours of training on the care, supervision, and special needs of those residents, prior to providing direct care to residents. This bill also would require ~~12 hours~~ 2 2-hour trainings thereafter of in-service training ~~per year~~ every 6 months on the subject of serving those residents.

(6)

(4) Because a violation of any of the above provisions would be a misdemeanor, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(7)

(5) This bill would make its provisions operative on January 1, 2016.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. ~~Section 1569.23 of the Health and Safety Code~~
- 2 ~~is amended to read:~~
- 3 ~~1569.23. (a) As a requirement for licensure, the applicant shall~~
- 4 ~~demonstrate that he or she has successfully completed a~~
- 5 ~~certification program approved by the department.~~

~~(b) The certification program shall be for a minimum of 40 hours of classroom instruction and include a uniform core of knowledge which shall include all of the following:~~

~~(1) Law, regulations, policies, and procedural standards that impact the operations of residential care facilities for the elderly.~~

~~(2) Business operations.~~

~~(3) Management and supervision of staff.~~

~~(4) Psychosocial need of the elderly residents.~~

~~(5) Physical needs for elderly residents.~~

~~(6) Community and support services.~~

~~(7) Use, misuse, and interaction of drugs commonly used by the elderly.~~

~~(8) Resident admission, retention, and assessment procedures.~~

~~(c) Successful completion of the certification program shall be demonstrated by passing a written test and submitting a fee of one hundred dollars (\$100) to the department for the issuance of a certificate of completion.~~

~~(d) The department shall establish by regulation the program content, the testing instrument, process for approving certification programs, and criteria to be used for authorizing individuals or organizations to conduct certification programs. These regulations shall be developed with the participation of provider organizations.~~

~~(e) This section shall apply to all applications for licensure unless the applicant provides evidence that he or she has a current license for another residential care facility for the elderly which was initially licensed prior to July 1, 1989, or has successfully completed an approved certification program within the prior five years.~~

~~(f) If the applicant is a firm, partnership, association, or corporation, the chief executive officer, or other person serving in a like capacity, or the designated administrator of the facility shall provide evidence of successfully completing an approved certification program.~~

~~(g) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.~~

~~SEC. 2. Section 1569.23 is added to the Health and Safety Code, to read:~~

1 ~~1569.23. (a) As a requirement for licensure, the applicant shall~~
2 ~~demonstrate that he or she has successfully completed a~~
3 ~~certification program approved by the department.~~

4 ~~(b) The certification program shall be for a minimum of 100~~
5 ~~hours, of which 80 hours are classroom instruction, and include a~~
6 ~~uniform core of knowledge which shall include all of the following:~~

7 ~~(1) Law, regulations, policies, and procedural standards that~~
8 ~~impact the operations of residential care facilities for the elderly.~~

9 ~~(2) Business operations.~~

10 ~~(3) Management and supervision of staff.~~

11 ~~(4) Psychosocial needs of the elderly residents.~~

12 ~~(5) Physical needs of the elderly residents.~~

13 ~~(6) Community and support services.~~

14 ~~(7) Use, misuse, and interaction of drugs commonly used by~~
15 ~~the elderly, and the adverse effects of psychotropic drugs for use~~
16 ~~in controlling the behavior of persons with dementia.~~

17 ~~(8) Nonpharmacologic, person-centered approaches to dementia~~
18 ~~care.~~

19 ~~(9) Resident admission, retention, and assessment procedures.~~

20 ~~(10) Residents' rights, and the importance of initial and ongoing~~
21 ~~training for all staff to ensure residents' rights are fully respected~~
22 ~~and implemented.~~

23 ~~(c) Successful completion of the certification program shall be~~
24 ~~demonstrated by passing a written test and submitting a fee of one~~
25 ~~hundred dollars (\$100) to the department for the issuance of a~~
26 ~~certificate of completion.~~

27 ~~(d) The department shall establish by regulation the program~~
28 ~~content, the testing instrument, process for approving certification~~
29 ~~programs, and criteria to be used for authorizing individuals or~~
30 ~~organizations to conduct certification programs. These regulations~~
31 ~~shall be developed with the participation of provider organizations~~
32 ~~and other stakeholder groups. The department shall review the test~~
33 ~~annually and update it as necessary to reflect changes in law and~~
34 ~~regulations.~~

35 ~~(e) This section shall apply to all applications for licensure~~
36 ~~unless the applicant provides evidence that he or she has a current~~
37 ~~license for another residential care facility for the elderly which~~
38 ~~was initially licensed prior to July 1, 1989, or has successfully~~
39 ~~completed an approved certification program within the prior five~~
40 ~~years.~~

1 ~~(f) If the applicant is a firm, partnership, association, or~~
2 ~~corporation, the chief executive officer, or other person serving in~~
3 ~~a like capacity, or the designated administrator of the facility shall~~
4 ~~provide evidence of successfully completing an approved~~
5 ~~certification program.~~

6 ~~(g) This section shall become operative on January 1, 2016.~~

7 ~~SEC. 3.~~

8 SECTION 1. Section 1569.371 is added to the Health and Safety
9 Code, to read:

10 1569.371. (a) No licensee, or officer or employee of the
11 licensee, shall discriminate or retaliate in any manner against any
12 person receiving the services of the licensee's residential care
13 facility for the elderly, or against any employee of the licensee's
14 facility, on the basis, or for the reason that, the person, employee,
15 or any other person dialed or called 911.

16 (b) A violation of this section is subject to civil penalty pursuant
17 to Section 1569.49.

18 (c) This section shall become operative on January 1, 2016.

19 ~~SEC. 4.~~

20 SEC. 2. Section 1569.39 is added to the Health and Safety
21 Code, to read:

22 1569.39. (a) A residential care facility for the elderly that
23 accepts or retains residents with prohibited health conditions, as
24 defined by the department, in Section 87615 of Title 22 of the
25 California Code of Regulations, shall ~~ensure that residents receive~~
26 ~~assist residents with accessing~~ home health or hospice services
27 ~~sufficient in scope and hours services, as indicated in the resident's~~
28 ~~current appraisal~~, to ensure that residents receive medical care as
29 prescribed by the resident's physician and contained in the
30 resident's service plan.

31 (b) A residential care facility for the elderly that accepts or
32 retains residents with restricted health conditions, as defined by
33 the department, shall ensure that residents receive medical care as
34 prescribed by the resident's physician and contained in the
35 resident's service plan by appropriately skilled professionals acting
36 within their scope of practice. *An appropriately skilled professional*
37 ~~may not be required when the resident is providing self-care, as~~
38 ~~defined by the department, and there is documentation in the~~
39 ~~resident's service plan that the resident is capable of providing~~
40 ~~self-care.~~

(c) An “appropriately skilled professional” means, for purposes of this section, an individual who has training and is licensed to perform the necessary medical procedures prescribed by a physician. This includes, but is not limited to, a registered nurse, licensed vocational nurse, physical therapist, occupational therapist, or respiratory therapist. These professionals may include, but are not limited to, those persons employed by a home health agency, the resident, or a facility, and who are currently licensed in this state.

(d) Failure to meet or arrange to meet the needs of those residents who require health-related services as specified in the resident’s written record of care, defined pursuant to Section 1569.80, or failure to notify the physician of a resident’s illness or injury that poses a danger of death or serious bodily harm is a licensing violation and subject to civil penalty pursuant to Section 1569.49.

(e) This section shall become operative on January 1, 2016.

SEC. 3. Section 1569.616 of the Health and Safety Code is amended to read:

1569.616. (a) (1) An administrator of a residential care facility for the elderly shall be required to successfully complete a department-approved certification program prior to employment.

(2) In those cases where the individual is both the licensee and the administrator of a facility, or a licensed nursing home administrator, the individual shall comply with the requirements of this section unless he or she qualifies for one of the exemptions provided for in subdivision (b).

(3) Failure to comply with this section shall constitute cause for revocation of the license of the facility where an individual is functioning as the administrator.

(4) The licensee shall notify the department within 30 days of any change in administrators.

(b) Individuals seeking exemptions under paragraph (2) of subdivision (a) shall meet the following criteria and fulfill the required portions of the certification program, as the case may be:

(1) An individual designated as the administrator of a residential care facility for the elderly who holds a valid license as a nursing home administrator issued in accordance with Chapter 2.35 (commencing with Section 1416) of Division 2 shall be required to complete the areas in the uniform core of knowledge required

1 by this section that pertain to the law, regulations, policies, and
2 procedural standards that impact the operations of residential care
3 facilities for the elderly, the use, misuse, and interaction of
4 medication commonly used by the elderly in a residential setting,
5 and resident admission, retention, and assessment procedures,
6 equal to 12 hours of classroom instruction. An individual meeting
7 the requirements of this paragraph shall not be required to take a
8 written test.

9 (2) In those cases where the individual was both the licensee
10 and administrator on or before July 1, 1991, the individual shall
11 be required to complete all the areas specified for the certification
12 program, but shall not be required to take the written test required
13 by this section. Those individuals exempted from the written test
14 shall be issued a conditional certification that is valid only for the
15 administrator of the facility for which the exemption was granted.

16 (A) As a condition to becoming an administrator of another
17 facility, the individual shall be required to pass the written test
18 provided for in this section.

19 (B) As a condition to applying for a new facility license, the
20 individual shall be required to pass the written test provided for
21 in Section 1569.23.

22 (c) (1) The administrator certification program shall require a
23 minimum of 40 hours of classroom instruction that provides
24 training on a uniform core of knowledge in each of the following
25 areas:

26 (A) Laws, regulations, and policies and procedural standards
27 that impact the operations of residential care facilities for the
28 elderly.

29 (B) Business operations.

30 (C) Management and supervision of staff.

31 (D) Psychosocial needs of the elderly.

32 (E) Community and support services.

33 (F) Physical needs for elderly persons.

34 (G) Use, misuse, and interaction of medication commonly used
35 by the elderly.

36 (H) Resident admission, retention, and assessment procedures.

37 (I) Training focused specifically on serving clients with
38 dementia. This training shall be for at least four hours.

1 (J) Cultural competency and sensitivity in issues relating to the
2 underserved aging lesbian, gay, bisexual, and transgender
3 community.

4 (2) Individuals applying for certification under this section shall
5 successfully complete an approved certification program, pass a
6 written test administered by the department within 60 days of
7 completing the program, and submit the documentation required
8 by subdivision (d) to the department within 30 days of being
9 notified of having passed the test. The department may extend
10 these time deadlines for good cause. The department shall notify
11 the applicant of his or her test results within 30 days of
12 administering the test.

13 (d) The department shall not begin the process of issuing a
14 certificate until receipt of all of the following:

15 (1) A certificate of completion of the administrator training
16 required pursuant to this chapter.

17 (2) The fee required for issuance of the certificate. A fee of one
18 hundred dollars (\$100) shall be charged by the department to cover
19 the costs of processing the application for certification.

20 (3) Documentation of passing the written test or of qualifying
21 for an exemption pursuant to subdivision (b).

22 (4) Submission of fingerprints. The department and the
23 Department of Justice shall expedite the criminal record clearance
24 for holders of certificates of completion. The department may
25 waive the submission for those persons who have a current criminal
26 record clearance on file.

27 (e) It shall be unlawful for a person not certified under this
28 section to hold himself or herself out as a certified administrator
29 of a residential care facility for the elderly. Any person willfully
30 making a false representation as being a certified administrator is
31 guilty of a misdemeanor.

32 (f) (1) Certificates issued under this section shall be renewed
33 every two years and renewal shall be conditional upon the
34 certificate holder submitting documentation of completion of 40
35 hours of continuing education related to the core of knowledge
36 specified in paragraph (1) of subdivision (c). No more than one-half
37 of the required 40 hours of continuing education necessary to renew
38 the certificate may be satisfied through online courses. All other
39 continuing education hours shall be completed in a classroom
40 setting. For purposes of this section, individuals who hold a valid

1 license as a nursing home administrator issued in accordance with
2 Chapter 2.35 (commencing with Section 1416) of Division 2 of
3 the Health and Safety Code and meet the requirements of paragraph
4 (1) of subdivision (b) shall only be required to complete 20 hours
5 of continuing education.

6 (2) Every certified administrator of a residential care facility
7 for the elderly is required to renew his or her certificate and shall
8 complete the continuing education requirements of this subdivision
9 whether he or she is certified according to subdivision (a) or (b).

10 At least eight hours of the 40-hour continuing education
11 requirement for a certified administrator of a residential care facility
12 for the elderly shall include instruction on serving clients with
13 dementia, including, but not limited to, instruction related to direct
14 care, physical environment, and admissions procedures and
15 assessment.

16 (3) Certificates issued under this section shall expire every two
17 years, on the anniversary date of the initial issuance of the
18 certificate, except that any administrator receiving his or her initial
19 certification on or after January 1, 1999, shall make an irrevocable
20 election to have his or her recertification date for any subsequent
21 recertification either on the date two years from the date of issuance
22 of the certificate or on the individual's birthday during the second
23 calendar year following certification. The department shall send
24 a renewal notice to the certificate holder 90 days prior to the
25 expiration date of the certificate. If the certificate is not renewed
26 prior to its expiration date, reinstatement shall only be permitted
27 after the certificate holder has paid a delinquency fee equal to three
28 times the renewal fee and has provided evidence of completion of
29 the continuing education required.

30 (4) To renew a certificate, the certificate holder shall, on or
31 before the certificate expiration date, request renewal by submitting
32 to the department documentation of completion of the required
33 continuing education courses and pay the renewal fee of one
34 hundred dollars (\$100), irrespective of receipt of the department's
35 notification of the renewal. A renewal request postmarked on or
36 before the expiration of the certificate is proof of compliance with
37 this paragraph.

38 (5) A suspended or revoked certificate is subject to expiration
39 as provided for in this section. If reinstatement of the certificate
40 is approved by the department, the certificate holder, as a condition

precedent to reinstatement, shall pay a fee in an amount equal to the renewal fee, plus the delinquency fee, if any, accrued at the time of its revocation or suspension.

(6) A certificate that is not renewed within four years after its expiration shall not be renewed, restored, reissued, or reinstated except upon completion of a certification program, passing any test that may be required of an applicant for a new certificate at that time, and paying the appropriate fees provided for in this section.

(7) A fee of twenty-five dollars (\$25) shall be charged for the reissuance of a lost certificate.

(8) A certificate holder shall inform the department of his or her employment status within 30 days of any change.

(g) The department may revoke a certificate issued under this section for any of the following:

(1) Procuring a certificate by fraud or misrepresentation.

(2) Knowingly making or giving any false statement or information in conjunction with the application for issuance of a certificate.

(3) Criminal conviction, unless an exemption is granted pursuant to Section 1569.17.

(h) The certificate shall be considered forfeited under either of the following conditions:

(1) The administrator has had a license revoked, suspended, or denied as authorized under Section 1569.50.

(2) The administrator has been denied employment, residence, or presence in a facility based on action resulting from an administrative hearing pursuant to Section 1569.58.

(i) (1) The department shall establish, by regulation, the program content, the testing instrument, the process for approving certification programs, and criteria to be used in authorizing individuals, organizations, or educational institutions to conduct certification programs and continuing education courses. These regulations shall be developed in consultation with provider and consumer organizations, and shall be made available at least six months prior to the deadline required for certification. The department may deny vendor approval to any agency or person that has not provided satisfactory evidence of their ability to meet the requirements of vendorization set out in the regulations adopted pursuant to subdivision (j).

1 (2) (A) A vendor of online programs for continuing education
2 shall ensure that each online course contains all of the following:

3 (i) An interactive portion where the participant receives
4 feedback, through online communication, based on input from the
5 participant.

6 (ii) Required use of a personal identification number or personal
7 identification information to confirm the identity of the participant.

8 (iii) A final screen displaying a printable statement, to be signed
9 by the participant, certifying that the identified participant
10 completed the course. The vendor shall obtain a copy of the final
11 screen statement with the original signature of the participant prior
12 to the issuance of a certificate of completion. The signed statement
13 of completion shall be maintained by the vendor for a period of
14 three years and be available to the department upon demand. Any
15 person who certifies as true any material matter pursuant to this
16 section that he or she knows to be false is guilty of a misdemeanor.

17 (B) Nothing in this subdivision shall prohibit the department
18 from approving online programs for continuing education that do
19 not meet the requirements of subparagraph (A) if the vendor
20 demonstrates to the department's satisfaction that, through
21 advanced technology, the course and the course delivery meet the
22 requirements of this section.

23 (3) The department may authorize vendors to conduct the
24 administrator certification training program pursuant to provisions
25 set forth in this section. The department shall conduct the written
26 test pursuant to regulations adopted by the department.

27 (4) The department shall prepare and maintain an updated list
28 of approved training vendors.

29 (5) The department may inspect training programs, continuing
30 education courses, and online courses, at no charge to the
31 department, in order to determine if content and teaching methods
32 comply with paragraphs (1) and (2), if applicable, and with
33 regulations. If the department determines that a vendor is not
34 complying with the intent of this section, the department shall take
35 appropriate action to bring the program into compliance, which
36 may include removing the vendor from the approved list.

37 (6) The department shall establish reasonable procedures and
38 timeframes, not to exceed 30 days, for the approval of vendor
39 training programs.

(7) The department may charge a reasonable fee, not to exceed one hundred fifty dollars (\$150) every two years, to certification program vendors for review and approval of the initial 40-hour training program pursuant to subdivision (c). The department may also charge the vendor a fee, not to exceed one hundred dollars (\$100) every two years, for the review and approval of the continuing education courses needed for recertification pursuant to this subdivision.

(j) This section shall be operative upon regulations being adopted by the department to implement the administrator certification program as provided for in this section.

(k) The department shall establish a registry for holders of certificates that shall include, at a minimum, information on employment status and criminal record clearance.

(l) Notwithstanding any law to the contrary, vendors approved by the department who exclusively provide either initial or continuing education courses for certification of administrators of a residential care facility for the elderly, as defined in subdivision (k) of Section 1569.2, a group home facility, as defined by regulations of the department, or an adult residential care facility, as defined by regulations of the department, shall be regulated solely by the department pursuant to this chapter. No other state or local governmental entity shall be responsible for regulating the activity of those vendors.

(m) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

SEC. 4. Section 1569.616 is added to the Health and Safety Code, to read:

1569.616. (a) (1) An administrator of a residential care facility for the elderly shall be required to successfully complete a department-approved certification program prior to employment.

(2) In those cases where the individual is both the licensee and the administrator of a facility, or a licensed nursing home administrator, the individual shall comply with the requirements of this section unless he or she qualifies for one of the exemptions provided for in subdivision (b).

1 (3) *Failure to comply with this section shall constitute cause*
2 *for revocation of the license of the facility where an individual is*
3 *functioning as the administrator.*

4 (4) *The licensee shall notify the department within 30 days of*
5 *any change in administrators.*

6 (b) *Individuals seeking exemptions under paragraph (2) of*
7 *subdivision (a) shall meet the following criteria and fulfill the*
8 *required portions of the certification program, as the case may*
9 *be:*

10 (1) *An individual designated as the administrator of a residential*
11 *care facility for the elderly who holds a valid license as a nursing*
12 *home administrator issued in accordance with Chapter 2.35*
13 *(commencing with Section 1416) of Division 2 shall be required*
14 *to complete the areas in the uniform core of knowledge required*
15 *by this section that pertain to the law, regulations, policies, and*
16 *procedural standards that impact the operations of residential*
17 *care facilities for the elderly, the use, misuse, and interaction of*
18 *medication commonly used by the elderly in a residential setting,*
19 *and resident admission, retention, and assessment procedures,*
20 *equal to 12 hours of classroom instruction. An individual meeting*
21 *the requirements of this paragraph shall not be required to take*
22 *a written test.*

23 (2) *In those cases where the individual was both the licensee*
24 *and administrator on or before July 1, 1991, the individual shall*
25 *be required to complete all the areas specified for the certification*
26 *program, but shall not be required to take the written test required*
27 *by this section. Those individuals exempted from the written test*
28 *shall be issued a conditional certification that is valid only for the*
29 *administrator of the facility for which the exemption was granted.*

30 (A) *As a condition to becoming an administrator of another*
31 *facility, the individual shall be required to pass the written test*
32 *provided for in this section.*

33 (B) *As a condition to applying for a new facility license, the*
34 *individual shall be required to pass the written test provided for*
35 *in Section 1569.23.*

36 (c) (1) *The administrator certification program shall require*
37 *a minimum of 100 hours of coursework, which shall include at*
38 *least 60 hours of in-person classroom instruction that provides*
39 *training on a uniform core of knowledge in each of the following*
40 *areas:*

1 (A) *Laws, regulations, and policies and procedural standards*
2 *that impact the operations of residential care facilities for the*
3 *elderly.*

4 (B) *Business operations.*

5 (C) *Management and supervision of staff.*

6 (D) *Psychosocial needs of the elderly.*

7 (E) *Community and support services.*

8 (F) *Physical needs for elderly persons.*

9 (G) *Medication management, including the use, misuse, and*
10 *interaction of medication commonly used by the elderly, including*
11 *antipsychotics and the adverse effects of psychotropic drugs for*
12 *use in controlling the behavior of persons with dementia, as*
13 *required by Section 1569.626.*

14 (H) *Resident admission, retention, and assessment procedures.*

15 (I) *Managing Alzheimer's disease and related dementias,*
16 *including nonpharmacologic, person-centered approaches to*
17 *dementia care.*

18 (J) *Cultural competency and sensitivity in issues relating to the*
19 *underserved aging lesbian, gay, bisexual, and transgender*
20 *community.*

21 (K) *Residents' rights and the importance of initial and ongoing*
22 *training for all staff to ensure that resident's rights are fully*
23 *respected and implemented.*

24 (2) *Individuals applying for certification under this section shall*
25 *successfully complete an approved certification program, pass a*
26 *written test administered by the department within 60 days of*
27 *completing the program, and submit the documentation required*
28 *by subdivision (d) to the department within 30 days of being*
29 *notified of having passed the test. The department may extend these*
30 *time deadlines for good cause. The department shall notify the*
31 *applicant of his or her test results within 30 days of administering*
32 *the test.*

33 (d) *The department shall not begin the process of issuing a*
34 *certificate until receipt of all of the following:*

35 (1) *A certificate of completion of the administrator training*
36 *required pursuant to this chapter.*

37 (2) *The fee required for issuance of the certificate. A fee of one*
38 *hundred dollars (\$100) shall be charged by the department to*
39 *cover the costs of processing the application for certification.*

1 (3) *Documentation of passing the written test or of qualifying*
2 *for an exemption pursuant to subdivision (b).*

3 (4) *Submission of fingerprints. The department and the*
4 *Department of Justice shall expedite the criminal record clearance*
5 *for holders of certificates of completion. The department may waive*
6 *the submission for those persons who have a current criminal*
7 *record clearance on file.*

8 (e) *It shall be unlawful for a person not certified under this*
9 *section to hold himself or herself out as a certified administrator*
10 *of a residential care facility for the elderly. Any person willfully*
11 *making a false representation as being a certified administrator*
12 *is guilty of a misdemeanor.*

13 (f) (1) *Certificates issued under this section shall be renewed*
14 *every two years and renewal shall be conditional upon the*
15 *certificate holder submitting documentation of completion of 40*
16 *hours of continuing education related to the core of knowledge*
17 *specified in paragraph (1) of subdivision (c). No more than*
18 *one-half of the required 40 hours of continuing education necessary*
19 *to renew the certificate may be satisfied through online courses.*
20 *All other continuing education hours shall be completed in a*
21 *classroom setting. For purposes of this section, individuals who*
22 *hold a valid license as a nursing home administrator issued in*
23 *accordance with Chapter 2.35 (commencing with Section 1416)*
24 *of Division 2 and meet the requirements of paragraph (1) of*
25 *subdivision (b) shall only be required to complete 20 hours of*
26 *continuing education.*

27 (2) *Every certified administrator of a residential care facility*
28 *for the elderly is required to renew his or her certificate and shall*
29 *complete the continuing education requirements of this subdivision*
30 *whether he or she is certified according to subdivision (a) or (b).*
31 *At least eight hours of the 40-hour continuing education*
32 *requirement for a certified administrator of a residential care*
33 *facility for the elderly shall include instruction on serving clients*
34 *with dementia, including, but not limited to, instruction related to*
35 *direct care, physical environment, and admissions procedures and*
36 *assessment.*

37 (3) *Certificates issued under this section shall expire every two*
38 *years, on the anniversary date of the initial issuance of the*
39 *certificate, except that any administrator receiving his or her initial*
40 *certification on or after January 1, 1999, shall make an irrevocable*

1 election to have his or her recertification date for any subsequent
2 recertification either on the date two years from the date of
3 issuance of the certificate or on the individual's birthday during
4 the second calendar year following certification. The department
5 shall send a renewal notice to the certificate holder 90 days prior
6 to the expiration date of the certificate. If the certificate is not
7 renewed prior to its expiration date, reinstatement shall only be
8 permitted after the certificate holder has paid a delinquency fee
9 equal to three times the renewal fee and has provided evidence of
10 completion of the continuing education required.

11 (4) To renew a certificate, the certificate holder shall, on or
12 before the certificate expiration date, request renewal by submitting
13 to the department documentation of completion of the required
14 continuing education courses and pay the renewal fee of one
15 hundred dollars (\$100), irrespective of receipt of the department's
16 notification of the renewal. A renewal request postmarked on or
17 before the expiration of the certificate is proof of compliance with
18 this paragraph.

19 (5) A suspended or revoked certificate is subject to expiration
20 as provided for in this section. If reinstatement of the certificate
21 is approved by the department, the certificate holder, as a condition
22 precedent to reinstatement, shall pay a fee in an amount equal to
23 the renewal fee, plus the delinquency fee, if any, accrued at the
24 time of its revocation or suspension.

25 (6) A certificate that is not renewed within four years after its
26 expiration shall not be renewed, restored, reissued, or reinstated
27 except upon completion of a certification program, passing any
28 test that may be required of an applicant for a new certificate at
29 that time, and paying the appropriate fees provided for in this
30 section.

31 (7) A fee of twenty-five dollars (\$25) shall be charged for the
32 reissuance of a lost certificate.

33 (8) A certificate holder shall inform the department of his or
34 her employment status within 30 days of any change.

35 (g) The department may revoke a certificate issued under this
36 section for any of the following:

37 (1) Procuring a certificate by fraud or misrepresentation.

38 (2) Knowingly making or giving any false statement or
39 information in conjunction with the application for issuance of a
40 certificate.

1 (3) *Criminal conviction, unless an exemption is granted pursuant*
2 *to Section 1569.17.*

3 (h) *The certificate shall be considered forfeited under either of*
4 *the following conditions:*

5 (1) *The administrator has had a license revoked, suspended, or*
6 *denied as authorized under Section 1569.50.*

7 (2) *The administrator has been denied employment, residence,*
8 *or presence in a facility based on action resulting from an*
9 *administrative hearing pursuant to Section 1569.58.*

10 (i) (1) *The department shall establish, by regulation, the*
11 *program content, the testing instrument, the process for approving*
12 *certification programs, and criteria to be used in authorizing*
13 *individuals, organizations, or educational institutions to conduct*
14 *certification programs and continuing education courses. These*
15 *regulations shall be developed in consultation with provider and*
16 *consumer organizations, and shall be made available at least six*
17 *months prior to the deadline required for certification. The*
18 *department may deny vendor approval to any agency or person*
19 *that has not provided satisfactory evidence of their ability to meet*
20 *the requirements of vendorization set out in the regulations adopted*
21 *pursuant to subdivision (j).*

22 (2) (A) *A vendor of online programs for continuing education*
23 *shall ensure that each online course contains all of the following:*

24 (i) *An interactive portion where the participant receives*
25 *feedback, through online communication, based on input from the*
26 *participant.*

27 (ii) *Required use of a personal identification number or personal*
28 *identification information to confirm the identity of the participant.*

29 (iii) *A final screen displaying a printable statement, to be signed*
30 *by the participant, certifying that the identified participant*
31 *completed the course. The vendor shall obtain a copy of the final*
32 *screen statement with the original signature of the participant*
33 *prior to the issuance of a certificate of completion. The signed*
34 *statement of completion shall be maintained by the vendor for a*
35 *period of three years and be available to the department upon*
36 *demand. Any person who certifies as true any material matter*
37 *pursuant to this section that he or she knows to be false is guilty*
38 *of a misdemeanor.*

39 (B) *Nothing in this subdivision shall prohibit the department*
40 *from approving online programs for continuing education that do*

1 *not meet the requirements of subparagraph (A) if the vendor*
2 *demonstrates to the department's satisfaction that, through*
3 *advanced technology, the course and the course delivery meet the*
4 *requirements of this section.*

5 *(3) The department may authorize vendors to conduct the*
6 *administrator certification training program pursuant to provisions*
7 *set forth in this section. The department shall conduct the written*
8 *test pursuant to regulations adopted by the department.*

9 *(4) The department shall prepare and maintain an updated list*
10 *of approved training vendors.*

11 *(5) The department may inspect training programs, continuing*
12 *education courses, and online courses, at no charge to the*
13 *department, in order to determine if content and teaching methods*
14 *comply with paragraphs (1) and (2), if applicable, and with*
15 *regulations. If the department determines that a vendor is not*
16 *complying with the intent of this section, the department shall take*
17 *appropriate action to bring the program into compliance, which*
18 *may include removing the vendor from the approved list.*

19 *(6) The department shall establish reasonable procedures and*
20 *timeframes, not to exceed 30 days, for the approval of vendor*
21 *training programs.*

22 *(7) The department may charge a reasonable fee, not to exceed*
23 *one hundred fifty dollars (\$150) every two years, to certification*
24 *program vendors for review and approval of the initial 40-hour*
25 *training program pursuant to subdivision (c). The department may*
26 *also charge the vendor a fee, not to exceed one hundred dollars*
27 *(\$100) every two years, for the review and approval of the*
28 *continuing education courses needed for recertification pursuant*
29 *to this subdivision.*

30 *(j) This section shall be operative upon regulations being*
31 *adopted by the department to implement the administrator*
32 *certification program as provided for in this section.*

33 *(k) The department shall establish a registry for holders of*
34 *certificates that shall include, at a minimum, information on*
35 *employment status and criminal record clearance.*

36 *(l) Notwithstanding any law to the contrary, vendors approved*
37 *by the department who exclusively provide either initial or*
38 *continuing education courses for certification of administrators*
39 *of a residential care facility for the elderly, as defined in*
40 *subdivision (k) of Section 1569.2, a group home facility, as defined*

1 *by regulations of the department, or an adult residential care*
2 *facility, as defined by regulations of the department, shall be*
3 *regulated solely by the department pursuant to this chapter. No*
4 *other state or local governmental entity shall be responsible for*
5 *regulating the activity of those vendors.*

6 *(m) This section shall become operative on January 1, 2016.*

7 SEC. 5. Section 1569.62 of the Health and Safety Code is
8 amended to read:

9 1569.62. (a) The director shall ensure that licensees,
10 administrators, and staffs of residential care facilities for the elderly
11 have appropriate training to provide the care and services for which
12 a license or certificate is issued.

13 (b) The department shall develop jointly with the Department
14 of Aging, with input from provider organizations, requirements
15 for a uniform core of knowledge within the required 20 hours of
16 continuing education for administrators, and their designated
17 substitutes, and for recertification of administrators of residential
18 care facilities for the elderly. This knowledge base shall include,
19 as a minimum, basic understanding of the psychosocial and
20 physical care needs of elderly persons and administration. The
21 department shall develop jointly with the Department of Aging,
22 with input from provider organizations, a uniform resident
23 assessment tool to be used by all residential care facilities for the
24 elderly. The assessment tool shall, in lay terms, help to identify
25 resident needs for service and assistance with activities of daily
26 living.

27 The departments shall develop a mandatory training program
28 on the utilization of the assessment tool to be given to
29 administrators and their designated substitutes.

30 (c) This section shall remain in effect only until January 1, 2016,
31 and as of that date is repealed, unless a later enacted statute, that
32 is enacted before January 1, 2016, deletes or extends that date.

33 SEC. 6. Section 1569.62 is added to the Health and Safety
34 Code, to read:

35 1569.62. (a) The director shall ensure that licensees,
36 administrators, and staff of residential care facilities for the elderly
37 have appropriate training to provide the care and services for which
38 a license or certificate is issued.

39 (b) The department shall develop jointly with the California
40 Department of Aging requirements for a uniform core of knowledge

1 for the required initial certification and continuing education for
2 administrators, and their designated substitutes, and for
3 recertification of administrators of residential care facilities for
4 the elderly. This knowledge base shall include, as a minimum,
5 basic understanding of the psychosocial and physical care needs
6 of elderly persons, applicable laws and regulations, residents'
7 rights, and administration. This training shall be developed in
8 consultation with individuals or organizations with specific
9 expertise in residential care facilities for the elderly or assisted
10 living services, or by an outside source with expertise in residential
11 care facilities for the elderly or assisted living services.

12 (1) The initial certification training for administrators shall
13 consist of at least 100 hours.

14 (2) The continuing education requirement for administrators is
15 at least ~~60~~ 40 hours of training during each two-year certification
16 period, *as specified in paragraph (1) of subdivision (f) of Section*
17 *1569.616.*

18 (c) (1) The department shall develop a uniform resident
19 assessment tool to be used by all residential care facilities for the
20 elderly. The assessment tool shall, in lay terms, help to identify
21 resident needs for service and assistance with activities of daily
22 living.

23 (2) The departments shall develop a mandatory training program
24 on the utilization of the assessment tool to be given to
25 administrators and their designated substitutes.

26 (d) This section shall become operative on January 1, 2016.

27 ~~SEC. 7. Section 1569.625 of the Health and Safety Code is~~
28 ~~amended to read:~~

29 ~~1569.625. (a) The Legislature finds that the quality of services~~
30 ~~provided to residents of residential care facilities for the elderly is~~
31 ~~dependent upon the training and skills of staff. It is the intent of~~
32 ~~the Legislature in enacting this section to ensure that direct-care~~
33 ~~staff have the knowledge and proficiency to carry out the tasks of~~
34 ~~their jobs.~~

35 ~~(b) The department shall adopt regulations to require staff~~
36 ~~members of residential care facilities for the elderly who assist~~
37 ~~residents with personal activities of daily living to receive~~
38 ~~appropriate training. This training shall consist of 10 hours of~~
39 ~~training within the first four weeks of employment and four hours~~
40 ~~annually thereafter. This training shall be administered on the job,~~

1 or in a classroom setting, or any combination of the two. The
2 department shall establish, in consultation with provider
3 organizations, the subject matter required for this training.

4 (e) The training shall include, but not be limited to, the
5 following:

6 (1) Physical limitations and needs of the elderly.

7 (2) Importance and techniques for personal care services.

8 (3) Residents' rights.

9 (4) Policies and procedures regarding medications.

10 (5) Psychosocial needs of the elderly.

11 (d) This section shall remain in effect only until January 1, 2016,
12 and as of that date is repealed, unless a later enacted statute, that
13 is enacted before January 1, 2016, deletes or extends that date.

14 SEC. 8. Section 1569.625 is added to the Health and Safety
15 Code, to read:

16 1569.625. (a) The Legislature finds that the quality of services
17 provided to residents of residential care facilities for the elderly is
18 dependent upon the training and skills of staff.

19 (b) The current training requirements for staff of residential care
20 facilities for the elderly are insufficient to meet the range of care
21 needs of the residents of those facilities. It is the intent of the
22 Legislature in enacting this section to ensure that direct care staff
23 have the knowledge and proficiency to carry out the tasks of their
24 jobs.

25 (c) The department shall adopt regulations to require staff
26 members of residential care facilities for the elderly who assist
27 residents with personal activities of daily living to receive
28 appropriate training. This training shall consist of 40 hours of
29 training within the first four weeks of employment, at least 24
30 hours of which shall be completed prior to providing direct care
31 to residents, and 20 hours annually thereafter. This training shall
32 be administered on the job, or in a classroom setting, or any
33 combination of the two. The department shall establish the subject
34 matter required for this training. This training shall be developed
35 in consultation with individuals or organizations with specific
36 expertise in residential care facilities for the elderly or assisted
37 living services, or by an outside source with expertise in residential
38 care facilities for the elderly or assisted living services, as defined
39 in Section 1771.

~~(d) The training shall include, but not be limited to, the following:~~

- ~~(1) Physical limitations and needs of the elderly.~~
- ~~(2) Importance and techniques for personal care services.~~
- ~~(3) Residents' rights.~~
- ~~(4) Policies and procedures regarding medications.~~
- ~~(5) Use, misuse, and interaction of drugs commonly used by the elderly, and the adverse effects of psychotropic drugs for use in controlling the behavior of persons with dementia.~~

~~(6) The special needs of persons with Alzheimer's disease and dementia, including nonpharmacologic person-centered approaches to dementia care.~~

~~(7) Psychosocial needs of the elderly.~~

~~(8) This subdivision shall not apply to certified nurse assistants, certified pursuant to Section 1337.2, except that certified nurse assistants with valid certification shall receive eight hours of training prior to providing direct care to residents, on resident characteristics, resident records, and facility practices and procedures.~~

~~(e) This section shall become operative on January 1, 2016.~~

~~SEC. 9. Section 1569.626 of the Health and Safety Code is amended to read:~~

~~1569.626. All residential care facilities for the elderly that advertise or promote special care, special programming, or a special environment for persons with dementia, in addition to complying with the training requirements described in Section 1569.625, shall meet the following training requirements for all direct care staff:~~

~~(a) Six hours of resident care orientation within the first four weeks of employment. All six hours shall be devoted to the care of persons with dementia. The facility may utilize various methods of instruction including, but not limited to, preceptorship, mentoring, and other forms of observation and demonstration. The orientation time shall be exclusive of any administrative instruction.~~

~~(b) Eight hours of in-service training per year on the subject of serving residents with dementia. This training shall be developed in consultation with individuals or organizations with specific expertise in dementia care or by an outside source with expertise in dementia care. In formulating and providing this training, reference may be made to written materials and literature on dementia and the care and treatment of persons with dementia.~~

1 This training requirement may be satisfied in one day or over a
2 period of time. This training requirement may be provided at the
3 facility or offsite and may include a combination of observation
4 and practical application.

5 (e) This section shall remain in effect only until January 1, 2016,
6 and as of that date is repealed, unless a later enacted statute, that
7 is enacted before January 1, 2016, deletes or extends that date.

8 SEC. 10. Section 1569.626 is added to the Health and Safety
9 Code, to read:

10 1569.626. All residential care facilities for the elderly that
11 advertise or promote special care, special programming, or a special
12 environment for persons with dementia, in addition to complying
13 with the training requirements described in Section 1569.625, shall
14 meet the following training requirements for all direct care staff:

15 (a) Fifteen hours of resident care orientation prior to providing
16 direct care to residents. All 15 hours shall be devoted to the care
17 of persons with dementia. The facility may utilize various methods
18 of instruction including, but not limited to, preceptorship,
19 mentoring, and other forms of observation and demonstration. The
20 orientation time shall be exclusive of any administrative instruction.

21 (b) Twelve hours of in-service training per year on the subject
22 of providing care and supervision to residents with dementia. This
23 training shall be developed in consultation with individuals or
24 organizations with specific expertise in dementia care or by an
25 outside source with expertise in dementia care. In formulating and
26 providing this training, reference may be made to written materials
27 and literature on dementia and the care and treatment of persons
28 with dementia. This training requirement may be provided at the
29 facility or offsite and may include a combination of observation
30 and practical application.

31 (c) This section shall become operative on January 1, 2016.

32 SEC. 11.

33 SEC. 7. Section 1569.69 of the Health and Safety Code is
34 amended to read:

35 1569.69. (a) Each residential care facility for the elderly
36 licensed under this chapter shall ensure that each employee of the
37 facility who assists residents with the self-administration of
38 medications meets the following training requirements:

39 (1) In facilities licensed to provide care for 16 or more persons,
40 the employee shall complete 16 hours of initial training. This

1 training shall consist of eight hours of hands-on shadowing training,
2 which shall be completed prior to assisting with the
3 self-administration of medications, and eight hours of other training
4 or instruction, as described in subdivision (f), which shall be
5 completed within the first two weeks of employment.

6 (2) In facilities licensed to provide care for 15 or fewer persons,
7 the employee shall complete six hours of initial training. This
8 training shall consist of two hours of hands-on shadowing training,
9 which shall be completed prior to assisting with the
10 self-administration of medications, and four hours of other training
11 or instruction, as described in subdivision (f), which shall be
12 completed within the first two weeks of employment.

13 (3) An employee shall be required to complete the training
14 requirements for hands-on shadowing training described in this
15 subdivision prior to assisting any resident in the self-administration
16 of medications. The training and instruction described in this
17 subdivision shall be completed, in their entirety, within the first
18 two weeks of employment.

19 (4) The training shall cover all of the following areas:

20 (A) The role, responsibilities, and limitations of staff who assist
21 residents with the self-administration of medication, including
22 tasks limited to licensed medical professionals.

23 (B) An explanation of the terminology specific to medication
24 assistance.

25 (C) An explanation of the different types of medication orders:
26 prescription, over-the-counter, controlled, and other medications.

27 (D) An explanation of the basic rules and precautions of
28 medication assistance.

29 (E) Information on medication forms and routes for medication
30 taken by residents.

31 (F) A description of procedures for providing assistance with
32 the self-administration of medications in and out of the facility,
33 and information on the medication documentation system used in
34 the facility.

35 (G) An explanation of guidelines for the proper storage, security,
36 and documentation of centrally stored medications.

37 (H) A description of the processes used for medication ordering,
38 refills, and the receipt of medications from the pharmacy.

39 (I) An explanation of medication side effects, adverse reactions,
40 and errors.

1 (5) To complete the training requirements set forth in this
2 subdivision, each employee shall pass an examination that tests
3 the employee's comprehension of, and competency in, the subjects
4 listed in paragraph (4).

5 (6) Residential care facilities for the elderly shall encourage
6 pharmacists and licensed medical professionals to use plain English
7 when preparing labels on medications supplied to residents. As
8 used in this section, "plain English" means that no abbreviations,
9 symbols, or Latin medical terms shall be used in the instructions
10 for the self-administration of medication.

11 (7) The training requirements of this section are not intended
12 to replace or supplant those required of all staff members who
13 assist residents with personal activities of daily living as set forth
14 in Section 1569.625.

15 (8) The training requirements of this section shall be repeated
16 if either of the following occurs:

17 (A) An employee returns to work for the same licensee after a
18 break of service of more than 180 consecutive calendar days.

19 (B) An employee goes to work for another licensee in a facility
20 in which he or she assists residents with the self-administration of
21 medication.

22 (b) Each employee who received training and passed the
23 examination required in paragraph (5) of subdivision (a), and who
24 continues to assist with the self-administration of medicines, shall
25 also complete four hours of in-service training on
26 medication-related issues in each succeeding 12-month period.

27 (c) The requirements set forth in subdivisions (a) and (b) do not
28 apply to persons who are licensed medical professionals.

29 (d) Each residential care facility for the elderly that provides
30 employee training under this section shall use the training material
31 and the accompanying examination that are developed by, or in
32 consultation with, a licensed nurse, pharmacist, or physician. The
33 licensed residential care facility for the elderly shall maintain the
34 following documentation for each medical consultant used to
35 develop the training:

36 (1) The name, address, and telephone number of the consultant.

37 (2) The date when consultation was provided.

38 (3) The consultant's organization affiliation, if any, and any
39 educational and professional qualifications specific to medication
40 management.

1 (4) The training topics for which consultation was provided.

2 (e) Each person who provides employee training under this
3 section shall meet the following education and experience
4 requirements:

5 (1) A minimum of five hours of initial, or certified continuing,
6 education or three semester units, or the equivalent, from an
7 accredited educational institution, on topics relevant to medication
8 management.

9 (2) The person shall meet any of the following practical
10 experience or licensure requirements:

11 (A) Two years of full-time experience, within the last four years,
12 as a consultant with expertise in medication management in areas
13 covered by the training described in subdivision (a).

14 (B) Two years of full-time experience, or the equivalent, within
15 the last four years, as an administrator for a residential care facility
16 for the elderly, during which time the individual has acted in
17 substantial compliance with applicable regulations.

18 (C) Two years of full-time experience, or the equivalent, within
19 the last four years, as a direct care provider assisting with the
20 self-administration of medications for a residential care facility
21 for the elderly, during which time the individual has acted in
22 substantial compliance with applicable regulations.

23 (D) Possession of a license as a medical professional.

24 (3) The licensed residential care facility for the elderly shall
25 maintain the following documentation on each person who provides
26 employee training under this section:

27 (A) The person's name, address, and telephone number.

28 (B) Information on the topics or subject matter covered in the
29 training.

30 (C) The time, dates, and hours of training provided.

31 (f) Other training or instruction, as required in paragraphs (1)
32 and (2) of subdivision (a), may be provided offsite, and may use
33 various methods of instruction, including, but not limited to, all
34 of the following:

35 (1) Lectures by presenters who are knowledgeable about
36 medication management.

37 (2) Video recorded instruction, interactive material, online
38 training, and books.

39 (3) Other written or visual materials approved by organizations
40 or individuals with expertise in medication management.

1 (g) Residential care facilities for the elderly licensed to provide
2 care for 16 or more persons shall maintain documentation that
3 demonstrates that a consultant pharmacist or nurse has reviewed
4 the facility's medication management program and procedures at
5 least twice a year.

6 (h) Nothing in this section authorizes unlicensed personnel to
7 directly administer medications.

8 (i) This section shall remain in effect only until January 1, 2016,
9 and as of that date is repealed, unless a later enacted statute, that
10 is enacted before January 1, 2016, deletes or extends that date.

11 ~~SEC. 12.~~

12 *SEC. 8.* Section 1569.69 is added to the Health and Safety
13 Code, to read:

14 1569.69. (a) Each residential care facility for the elderly
15 licensed under this chapter shall ensure that each employee of the
16 facility who assists residents with the self-administration of
17 medications meets all of the following training requirements:

18 (1) In facilities licensed to provide care for 16 or more persons,
19 the employee shall complete ~~32~~ 24 hours of initial training. This
20 training shall consist of ~~12~~ 16 hours of hands-on shadowing
21 training, which shall be completed prior to assisting with the
22 self-administration of medications, and ~~20~~ eight hours of other
23 training or instruction, as described in subdivision (f), which shall
24 be completed within the first four weeks of employment.

25 (2) In facilities licensed to provide care for 15 or fewer persons,
26 the employee shall complete ~~16~~ 10 hours of initial training. This
27 training shall consist of ~~eight~~ six hours of hands-on shadowing
28 training, which shall be completed prior to assisting with the
29 self-administration of medications, and ~~eight~~ four hours of other
30 training or instruction, as described in subdivision (f), which shall
31 be completed within the first two weeks of employment.

32 (3) An employee shall be required to complete the training
33 requirements for hands-on shadowing training described in this
34 subdivision prior to assisting any resident in the self-administration
35 of medications. The training and instruction described in this
36 subdivision shall be completed, in their entirety, within the first
37 two weeks of employment.

38 (4) The training shall cover all of the following areas:

1 (A) The role, responsibilities, and limitations of staff who assist
2 residents with the self-administration of medication, including
3 tasks limited to licensed medical professionals.

4 (B) An explanation of the terminology specific to medication
5 assistance.

6 (C) An explanation of the different types of medication orders:
7 prescription, over-the-counter, controlled, and other medications.

8 (D) An explanation of the basic rules and precautions of
9 medication assistance.

10 (E) Information on medication forms and routes for medication
11 taken by residents.

12 (F) A description of procedures for providing assistance with
13 the self-administration of medications in and out of the facility,
14 and information on the medication documentation system used in
15 the facility.

16 (G) An explanation of guidelines for the proper storage, security,
17 and documentation of centrally stored medications.

18 (H) A description of the processes used for medication ordering,
19 refills, and the receipt of medications from the pharmacy.

20 (I) An explanation of medication side effects, adverse reactions,
21 errors, the adverse effects of psychotropic drugs for use in
22 controlling the behavior of persons with dementia, and the
23 increased risk of death when elderly residents with dementia are
24 given antipsychotic medications.

25 (5) To complete the training requirements set forth in this
26 subdivision, each employee shall pass an examination that tests
27 the employee's comprehension of, and competency in, the subjects
28 listed in paragraph (4).

29 (6) Residential care facilities for the elderly shall encourage
30 pharmacists and licensed medical professionals to use plain English
31 when preparing labels on medications supplied to residents. As
32 used in this section, "plain English" means that no abbreviations,
33 symbols, or Latin medical terms shall be used in the instructions
34 for the self-administration of medication.

35 (7) The training requirements of this section are not intended
36 to replace or supplant those required of all staff members who
37 assist residents with personal activities of daily living as set forth
38 in Sections 1569.625 and 1569.696.

39 (8) The training requirements of this section shall be repeated
40 if either of the following occur:

1 (A) An employee returns to work for the same licensee after a
2 break of service of more than 180 consecutive calendar days.

3 (B) An employee goes to work for another licensee in a facility
4 in which he or she assists residents with the self-administration of
5 medication.

6 (b) Each employee who received training and passed the
7 examination required in paragraph (5) of subdivision (a), and who
8 continues to assist with the self-administration of medicines, shall
9 also complete eight hours of in-service training on
10 medication-related issues in each succeeding 12-month period.

11 (c) The requirements set forth in subdivisions (a) and (b) do not
12 apply to persons who are licensed medical professionals.

13 (d) Each residential care facility for the elderly that provides
14 employee training under this section shall use the training material
15 and the accompanying examination that are developed by, or in
16 consultation with, a licensed nurse, pharmacist, or physician. The
17 licensed residential care facility for the elderly shall maintain the
18 following documentation for each medical consultant used to
19 develop the training:

20 (1) The name, address, and telephone number of the consultant.

21 (2) The date when consultation was provided.

22 (3) The consultant's organization affiliation, if any, and any
23 educational and professional qualifications specific to medication
24 management.

25 (4) The training topics for which consultation was provided.

26 (e) Each person who provides employee training under this
27 section shall meet the following education and experience
28 requirements:

29 (1) A minimum of five hours of initial, or certified continuing,
30 education or three semester units, or the equivalent, from an
31 accredited educational institution, on topics relevant to medication
32 management.

33 (2) The person shall meet any of the following practical
34 experience or licensure requirements:

35 (A) Two years of full-time experience, within the last four years,
36 as a consultant with expertise in medication management in areas
37 covered by the training described in subdivision (a).

38 (B) Two years of full-time experience, or the equivalent, within
39 the last four years, as an administrator for a residential care facility

1 for the elderly, during which time the individual has acted in
2 substantial compliance with applicable regulations.

3 (C) Two years of full-time experience, or the equivalent, within
4 the last four years, as a direct care provider assisting with the
5 self-administration of medications for a residential care facility
6 for the elderly, during which time the individual has acted in
7 substantial compliance with applicable regulations.

8 (D) Possession of a license as a medical professional.

9 (3) The licensed residential care facility for the elderly shall
10 maintain the following documentation on each person who provides
11 employee training under this section:

12 (A) The person's name, address, and telephone number.

13 (B) Information on the topics or subject matter covered in the
14 training.

15 (C) The times, dates, and hours of training provided.

16 (f) Other training or instruction, as required in paragraphs (1)
17 and (2) of subdivision (a), may be provided offsite, and may use
18 various methods of instruction, including, but not limited to, all
19 of the following:

20 (1) Lectures by presenters who are knowledgeable about
21 medication management.

22 (2) Video recorded instruction, interactive material, online
23 training, and books.

24 (3) Other written or visual materials approved by organizations
25 or individuals with expertise in medication management.

26 (g) Residential care facilities for the elderly licensed to provide
27 care for 16 or more persons shall maintain documentation that
28 demonstrates that a consultant pharmacist or nurse has reviewed
29 the facility's medication management program and procedures at
30 least twice a year.

31 (h) Nothing in this section authorizes unlicensed personnel to
32 directly administer medications.

33 (i) This section shall become operative on January 1, 2016.

34 ~~SEC. 13.~~

35 *SEC. 9.* Section 1569.696 is added to the Health and Safety
36 Code, to read:

37 1569.696. (a) All residential care facilities for the elderly that
38 serve residents with postural supports, ~~as described in Section~~
39 ~~87608 of Title 22 of the California Code of Regulations, or~~
40 ~~restricted health conditions or health services, as described in~~

1 ~~Section 87612 of Title 22 of the California Code of Regulations,~~
2 ~~or who receive hospice services, as described in Section 87633 of~~
3 ~~Title 22 of the California Code of Regulations, in addition to~~
4 ~~complying with shall include, as a component of the training~~
5 ~~requirements specified in Section Sections 1569.23, 1569.616, and~~
6 ~~1569.625, shall meet the following training requirements for all~~
7 ~~direct care staff:~~

8 (1) ~~Fifteen~~ Four hours of training on the care, supervision, and
9 special needs of those residents, prior to providing direct care to
10 residents. The facility may utilize various methods of instruction,
11 including, but not limited to, preceptorship, mentoring, and other
12 forms of observation and demonstration. The orientation time shall
13 be exclusive of any administrative instruction.

14 (2) ~~Twelve hours~~ Two two-hour trainings thereafter of in-service
15 training ~~per year~~ every six months on the subject of serving those
16 residents. *This training shall be in addition to the trainings*
17 *specified in Sections 1569.23, 1569.616, and 1569.625.*

18 (b) This training shall be developed in consultation with
19 individuals or organizations with specific expertise in the care of
20 those residents described in subdivision (a). In formulating and
21 providing this training, reference may be made to written materials
22 and literature. This training requirement may be provided at the
23 facility or offsite and may include a combination of observation
24 and practical application.

25 (c) *At the request of the department, and immediately if the*
26 *request is made during an inspection, licensees shall provide the*
27 *department with a confidential list of residents and their conditions,*
28 *as specified in subdivision (a), which is to be kept confidential to*
29 *the extent permitted by law. This list shall be maintained in an*
30 *accurate and current status at all times.*

31 (e)

32 (d) This section shall become operative on January 1, 2016.

33 ~~SEC. 14.~~

34 *SEC. 10.* No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district will be incurred because this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section 17556 of
40 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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